

JOHNELL DAVIS,)
)
 Plaintiff,)
)
 vs.)
)
 KESSLER SALES AND DISTRIBUTION,)
)
 Defendant.)

**ORDER (1) DENYING DEFENDANT'S MOTION TO DISMISS AND (2) DIRECTING
PLAINTIFF TO FILE AMENDED COMPLAINT**

Defendant's motion (Doc. # 3) is denied without prejudice because the Court is not certain Plaintiff is asserting a Title VII claim – as noted, the nature of Plaintiff's claim is not evident from his pleading, but there is no mention of a Title VII claim. Defendants contend Plaintiff previously filed an administrative complaint with the EEOC, but even if this is true that does not mean Plaintiff is asserting a Title VII claim arising from that administrative complaint.

In light of the lack of clarity, the Court will take the initiative and direct Plaintiff to file an Amended Complaint setting forth the basis for his claim by describing the nature of the claim or his legal theory (which is not expected to be consistent with standards of the legal profession given Plaintiff's pro se status) and the factual basis for his claim. If his claim arises under either Title VII or the MHRA, Plaintiff must also supply the appropriate Right to Sue Letter. Once that is done, Defendant is free to re-assert its arguments if it appears Plaintiff is asserting a Title VII claim.

Plaintiff shall comply with this Order on or before August 13, 2013.
IT IS SO ORDERED.

DATE: July 29, 2013

/s/ Ortrie D. Smith
ORTRIE D. SMITH, SENIOR JUDGE
UNITED STATES DISTRICT COURT